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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,740	05/04/2001	Paolo M.B. Tiramani	0103100027143	9980

7590

02/21/2003

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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/849,740

Applicant(s)

Tiramani et al.

Examiner

Vanaman

Art Unit

3618



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 5/4/01 (Preliminary Amendment)
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 34-45 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other: \_\_\_\_\_

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### **Status of Application**

1. Applicant's Preliminary Amendment, filed 5/4/01, has been entered in the application. Claims 34-45 remain pending, claims 1-33 and 46-47 having been canceled by the amendment.

### **Claim Rejections - 35 USC § 112**

2. Claims 39, 44 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 39, line 8, and claim 45, line 8, there is no clear antecedent basis for "said pivotably mounted plate", although a pivotally mounted frame is recited; in claim 44, line 2 and claim 45, line 5, there is no clear antecedent basis for "said retractable portion", and it appears as though this recitation may be directed to the 'item' recited earlier. In claim 39, line 7 and claim 45, line 7 the recitations concerning the inventive caster being capable of occupying less space are confusing, in that other than a reduction of the volume of the mechanism associated with the removal of a pivotally mounted 'plate' (or frame) it is not clear how the structure can 'occupy less space' than a structure having fewer parts.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 40-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Hancock et al. (US 5,983,614, filed 12/1997). Hancock et al. teach a caster for a frame portion (30) including a

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caster frame (50) attached to the portion, a wheel (51) rotatably mounted for rotation about an axis perpendicular to a swivel axis, the wheel and caster being capable of free swivelling (figure 2) when the wheel is in contact with a ground surface, or when the wheel is not in contact with a ground surface; or being locked in a predetermined swivel orientation (figure 1), when the wheel is in contact with a ground surface, or when the wheel is not in contact with a ground surface; the frame including a guiding means (20) having a V-shape, which engages with a pin (20) on a rod (54), the pin operating essentially as a cam follower, the frame including a biasing means (70) for biasing the wheel and caster frame into the desired orientation, either when the wheel is bearing against a surface, or when it is not; the frame including a swivel (32) and the wheel mounted in a frame portion (52) which pivots.

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 34-39, 44 and 45 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Hancock et al. (US 5,983,614). Hancock et al. teach a caster for a frame portion (30) including a caster frame (50) attached to the portion, a wheel (51) rotatably mounted for rotation about an axis perpendicular to a swivel axis, the wheel and caster being capable of free swivelling (figure 2) when the wheel is in contact with a ground surface, or when the wheel is not in contact with a ground surface; or being locked in a predetermined swivel orientation (figure 1), when the wheel is in contact with a ground surface, or when the wheel is not in contact with a ground surface; the frame including a guiding means (20) having a V-shape, which engages with a pin (20) on a rod (54), the pin operating essentially as a cam follower, the frame including a

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biasing means (70) for biasing the wheel and caster frame into the desired orientation, either when the wheel is bearing against a surface, or when it is not; the frame including a swivel (32) and the wheel mounted in a frame portion (52) which pivots, the wheel frame occupying less space than a wheel and caster frame of larger size, but which lack the frame elements, as best understood. The reference of Hancock et al. fail to specifically teach the frame portion as being retractable. It is, however very well known to make construct pivotable frame portions having ground engaging wheels, such that the frame portions may pivot to a non-use position, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the caster assembly taught by Hancock et al. with a retractable frame portion for the purpose of allowing the frame to be easily stored.

#### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hise (US 2,263,240), Budnick et al. (US 2,505,852), Kiecker (US 3,194,578), Fischer (US 3,654,999), Penifaure (US 4,399,587), Dieter (US 4,483,042), Kassai (US 4,845,805), Ko (US 4,759,098), Meier (US 5,779,251) and Strand (US 5,975,546) teach pivot wheel structures of pertinence.

8. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 3618. .

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents

Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry; informal or draft communications may be faxed to the same number but should be clearly labeled "UNOFFICIAL" or "DRAFT")

The Office has also established electronic fax servers for Technology Center 3600 as follows:

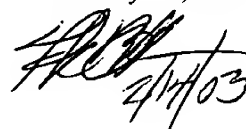
703-872-9326 (Official communications)

703-872-9327 (Official After Final communications)

703-872-9325 (Customer Service)

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**

F. Vanaman  
February 14, 2003

Handwritten signature of F. Vanaman, dated 2/14/03.